

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 15, 2006

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 15, 2006, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Darrell Downing, Vice-Chair; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Don Anderson; Denise Sherman; Bud Hentzen; Ronald Marnell; Hoyt Hillman; Morris K. Dunlap and Michael Gisick. Harold Warner Jr., Chair; Bill Johnson and John W. McKay Jr. were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Scott Dunakey, Associate Planner; and Lisa Estrada, Recording Secretary.

1. Approval of May 18, 2006 MAPC meeting minutes.

MOTION: To approve May 18, 2006 minutes as corrected.

DUNLAP moved, **ALDRICH** seconded the motion, and it carried (11-0).

Approval of June 1, 2006 MAPC meeting minutes.

MOTION: To approve May 18, 2006 minutes as corrected.

MITCHELL moved, **ALDRICH** seconded the motion, and it carried (10-0-1) **DUNLAP** abstained.

❖ SUBDIVISION ITEMS

Items 2-1 to Items 2-2 may be taken in one motion unless there are questions or comments.

2. Consideration of Subdivision Committee recommendations from the meeting of June 8, 2006.

2-1. SUB 2005-86: Final Plat -- NORTHGATE ADDITION, located north of 53rd Street north and on the west side of Meridian. (Referred back by MAPC on 5/18/06)

NOTE: This unplatted site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family Residential and will be converted to SF-5, Single-Family Residential upon annexation.

This final plat contains 26 additional lots.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer (main and lateral) and City water to serve the lots being platted. This plat may be included in the petition for the City sewer main project currently under construction.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **City Engineering has approved the drainage plan subject to conditions being met prior to City Council review. The ditch to Meridian should be located in Reserve C or an off-site drainage easement provided. The reserve/easement should be widened to allow for a minimum of 10 feet flat section on both sides of the ditch. A drainage easement should be provided between lots 40 & 41, Block C; and on a portion of lot 31, Block C as shown on the drainage plan. A drainage guarantee is needed.**
- D. An onsite benchmark is needed.
- E. The plat text shall state that "The owners of the reserves shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair, or maintenance."
- F. **County Engineering** recommends coordinating Walmart site, Northgate Addition, and Johnson Commercial Centre to guarantee that all plats are in place or offsite easements are provided to allow construction of regional drainage plan. **City Engineering** agrees with the County to have Northgate Addition, Walmart Site and Johnson Commercial Addition work together to guarantee a regional drainage solution.
- G. The Reserves located in road right-of-way need dimensions.
- H. Although labeled as 58 feet, Edwards Court serving Lots 21-25, Block D appears to be 64' wide.
- I. **County/Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **No improvements are needed.**
- J. **Traffic Engineering** needs to comment on the access controls. The plat proposes two street openings along Meridian. **Access controls are approved.**

- K. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- L. Since Reserve B includes a swimming pool, a site plan shall be submitted with the final plat, for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future. The design for the pool must be submitted to **Environmental Services** for review prior to issuing a building permit for the pool.
- M. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- N. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- O. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- P. **GIS** needs to comment on the plat's street names. **The cul-de-sac at the northwest corner of the plat needs to be labeled as "58th Ct N".**
- Q. A contingent dedication of street right-of-way for a turnaround is needed at the north line of the plat for N. Richmond Avenue. **The contingent street dedication has been platted as requested.**
- R. The label "K-96 Highway" should be deleted from the face of the plat.
- S. 58th Ct. North around Lot 1 Block D has no right of way dimensions.
- T. Recording information for Westar easement is needed.
- U. The median reserves need dimensioned and located.
- V. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- W. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- X. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Y. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Z. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- AA. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- BB. Perimeter closure computations shall be submitted with the final plat tracing.
- CC. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- DD. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy requests additional easements.**
- EE. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

BISHOP wished to address Item C, "the drainage" and asked why it appears that there's a tendency to approve platting on the "to be continued list" of items that need to meet recommendations before it goes to the next body. We frequently approve Zone changes and other plans that says "drainage will be determined at the time of platting". Now is the time of platting and this leaves 4 or 5 items. Because of the concerns, this case was referred back to the Subdivision the last time this plat came up and the only difference between what was approved by the Subdivision last time and what has been approved this time is the last line - "a drainage guarantee is needed". It is assumed that all the items will be checked off prior to it going to the City Council or other governing bodies. Ms. Bishop found it difficult to approve plats in this condition and wanted to vote against it.

JIM WEBER Director of Public Works, Sedgwick County addressed Ms. Bishop's concerns. For clarification, when a series of plats that are involved in the same drainage basin, the agreement received from the applicant through agent was that this plat would not go to the City Council until all other successive plats were completed and had guarantees or the applicant was able to provide by separate instrument the easements and guarantees needed to complete the whole drainage system. This was agreed upon at the last Sub Committee meeting. The completion of the plat or getting it to a certain point is important to the development process. We are comfortable that if this one is permitted to pass, it will be cleaned up and better.

MOTION: To approve subject to staff comment and remarks made by the County Engineer.

MITCHELL moved, **DUNLAP** seconded the motion, and it carried (10-1) **BISHOP** opposed.

2-2. SUB 2006-53: One-Step Final Plat -- QUIK TRIP 9TH ADDITION, located east of West Street and on the south side of Maple.

NOTE: This is a replat of a portion of the Quincy Addition. The south portion of the site has been approved for a zone change (ZON 2006-19) from SF-5, Single-Family Residential to LC, Limited Commercial subject to platting. A Conditional Use (CON 2006-17) for a car wash was also approved for the site. The plat includes the vacation of a portion of an alley.

STAFF COMMENTS:

- A. Municipal services are available to serve the site.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. On-site detention is required. An off-site drainage agreement may be needed.**
- D. In accordance with the Conditional Use approval, the plat proposes complete access control along Maple. The reference in the plat's text to "opening locations" shall be deleted.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control along Maple. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. The applicant shall provide a guarantee for closure of the alley return and continuation of curbing along Illinois. An alley return Closure Certificate in lieu of a guarantee may be provided.
- G. The Applicant has platted a 15-foot building setback along Maple, which represents an adjustment of the Zoning Code standard of a 20-foot setback for the LC, Limited Commercial District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- H. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner

should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Aquila requests that the proposed utility easement located within the vacated alley cover the gas main.**
- Q. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve per staff comments.

ALDRICH moved, **ANDERSON** seconded the motion, and it carried (11-0).

❖ **PUBLIC HEARINGS**

3. **Case No.: CON2006-25** – Michael Steven (owner/applicant); Harold Johnson (agent) Request Conditional Use for outdoor vehicle sales, "LC" Limited Commercial on property described as;

Lot 1, Block A, Gump Addition, Sedgwick County, Kansas. Generally located On the south side of Kellogg Street, approximately 600-feet east of Woodlawn Avenue.

BACKGROUND: The applicant is requesting a conditional use to permit vehicle sales on a 0.65-acre platted tract located south of Kellogg and east of Woodlawn Avenue. The applicant owns the automotive dealership on the abutting property to the east and proposes to expand the dealership onto the subject property, which formerly was developed with a veterinary hospital. The subject property is zoned LC Limited Commercial, which requires approval of a conditional use when vehicle sales are proposed outdoors. The applicant submitted the attached site plan illustrating the proposed use of the subject property as an expansion of an existing vehicle sales lot.

The surrounding area is characterized primarily by regional commercial uses along the Kellogg corridor. Most of the properties along Kellogg in this vicinity are zoned LC Limited Commercial and are developed with vehicle sales lots. A public park is located to the north across Kellogg in the City of Eastborough. Immediately to the south is LC zoning occupied with an office use. Further south is zoned B Multi-family residential and developed with like uses.

CASE HISTORY: The subject property is a portion of Lot 1, Block A, Gump Addition, which was recorded February 16, 1968. The zoning of the subject property was changed (Z-0913) from A Two-Family to LC Light Commercial on February 23, 1968.

ADJACENT ZONING AND LAND USE:

NORTH:	Eastborough; ROW	Public park; US 54
SOUTH:	B; LC	Multi-family; Office, general
EAST:	LC	Vehicle sales
WEST:	LC	Commercial Uses

PUBLIC SERVICES: The subject property has access to Kellogg Drive, a two-lane access road. Municipal water and sewer is available to serve the subject property. Public services are sufficient to support the proposed use.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for commercial development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Locational Guidelines.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The subject property shall be developed and operated in general conformance with the approved site plan and the Supplementary Use Regulations in Section III-D.6.x of the Unified Zoning Code.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

The staff recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by regional commercial uses along the Kellogg corridor. Most of the properties along Kellogg in this vicinity are zoned LC Limited Commercial and are developed with vehicle sales lots. The proposed vehicle sales lot is consistent with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial. The proposed expansion of the vehicle sales lot may be permitted by way of conditional use. The MAPC has an informal policy of supporting expansion of existing businesses onto abutting property rather than requiring relocation.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: There are no residential uses immediately adjacent to the subject property. Therefore, no negative impacts to surrounding properties are anticipated.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for commercial development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Locational Guidelines.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, per staff comments.

ALDRICH moved, **ANDERSON** seconded the motion, and it carried (11-0).

4. **Case No.: ZON2006-23** - Tenant Information network, Inc., c/o Thomas Chapman (owner/applicant) Request Sedgwick County zone change from "SF-20" Single-family to "NO" Neighborhood office on property described as;

Lot 31 Kirby Addition, Sedgwick County, Kansas. Generally located Southwest corner of South Broadway and East Kirby (8441 S. Broadway)

BACKGROUND: The applicant requests a zone change for the subject property from SF-20 Single-family Residential to NO Neighborhood Office. The subject property is located at the Southwest corner of South Broadway and Kirby Street, which is south of Haysville in Sedgwick County. The existing site is occupied with a building that appears to have formerly been a service station, but had been vacant for some time when acquired by the applicant. Therefore, the applicant cannot claim legal nonconforming status. The applicant runs a one-person office with little or no customer traffic and has no intention to hire additional employees. The applicant has requested a zone change to the most restrictive zoning district that allows the current use in order to bring this activity into zoning compliance.

The surrounding area is characterized by commercial and residential uses, although all the adjacent land uses are residential in nature. The surrounding properties on all sides are zoned SF-20 Single-family Residential and occupied with a mix of site-built and manufactured single-family residences. However, there are multiple nonconforming commercial uses to the north, which include a vehicle salvage yard, RV park and propane sales. All of these uses are within a quarter of a mile from the subject property. Additionally, approximately a half a mile to the south is a commercially zoned intersection (LC) with several restaurant/tavern establishments.

CASE HISTORY: The subject property is platted as Lot 31 of the Kirby Addition. There is no other known case history.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Single-family residence
SOUTH:	SF-20	Single-family residence
EAST:	SF-20	Single-family residence; Broadway/US81 right-of-way
WEST:	SF-20	Single-family residence

PUBLIC SERVICES: The subject property currently has access only to Kirby Street, an unpaved local street. However, the site is immediately adjacent to South Broadway (US 81), which is a two-lane minor arterial with a daily traffic count of approximately 9,800. The subject property is not served by public water or sewer utilities.

CONFORMANCE TO PLANS/POLICIES: The site is beyond the extent of the Land Use Guide of the Comprehensive Plan. However, the Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and that low-density office uses can serve as a transitional land use between residential uses and uses of a higher intensity. The subject property appears to meet these criteria. The site is identified in the Haysville Comprehensive Plan as appropriated for single-family residential development. However, Haysville staff indicated that the City of Haysville does not currently have an office category on their future land map, but is contemplating adding such a category. The subject property is in an area likely to be converted to the office use category if such a category is created.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the rezoning to NO Neighborhood Office be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by commercial and residential uses, although all the adjacent land uses are residential in nature. The surrounding properties on all sides are zoned SF-20 Single-family Residential and occupied with a mix of site-built and manufactured single-family residences. However, there are multiple nonconforming commercial uses to the north, which include a vehicle salvage yard, RV park and propane sales. All of these uses are within a quarter of a mile from the subject property. Additionally, approximately a half a mile to the south is a commercially zoned intersection (LC) with several restaurant/tavern establishments.

2. The suitability of the subject property for the uses to which it has been restricted:
The existing office use is a very low intensity use, which would have less impact than a single-family residence. The subject property is suitable for such a use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property:
This site is developed with an existing commercial building, which appears to have been a service station in the past. Given the low intensity of the office use, which has existed, there should be no negative impacts on surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site is beyond the extent of the Land Use Guide of the Comprehensive Plan. However, the Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and that low-density office uses can serve as a transitional land use between residential uses and uses of a higher intensity. The subject property appears to meet these criteria. The site is identified in the Haysville Comprehensive Plan as appropriated for single-family residential development. However, Haysville staff indicated that the City of Haysville does not currently have an office category on their future land map, but is contemplating adding such a category. The subject property is in an area likely to be converted to the office use category if such a category is created.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MITCHELL stated according to staff comments the property only has access to a dirt street although it is adjacent to a paved highway US-81. His recollection was that this area had no public services, sewer, water or paving on the adjacent street to which the business would exit. Mr. Mitchell felt uncomfortable increasing the use of that property under those conditions.

DUNAKEY replied, because Neighborhood Office "NO-Zoning District" is nearly more restrictive than single family zoning, in this particular case the applicant has a one-person business that cannot expand. The applicant will provide less traffic than what a resident would generate, and based on that fact we felt no need to address that issue.

ALDRICH asked if US-81 would require a state permit to have access to the highway. Secondly, were the multiple non-conforming commercial uses, legal or illegal?

DUNAKEY indicated that some were legal, and others are illegal. Mr. Dunakey was unaware of any repercussion for the illegal uses. The state permit would be required if the applicant were to request a drive onto US-81.

MITCHELL recognized that the proposed usage cited in the staff report would not increase traffic at this site, but the zoning permit(s) a number of other uses.

DUNAKEY presented the staff report.

THOMAS CHAPMAN, 8441 S Broadway, agent for the applicant. Mr. Chapman was in agreement with staff comments.

DUNLAP wanted to know if the fuel tanks were still in the ground.

CHAPMAN had no idea if the tanks were still there.

MOTION: To approve zoning request.

ANDERSON moved, **BISHOP** seconded the motion, and it carried (10-1) **MITCHELL** opposed.

5. Case No.: CON2006-24 – Scott Jones (owner/applicant), Terry Antaiek (agent) Request Conditional use for an accessory apartment in TF-3 Two-family Residential on property described as;

Lot 90 except N 10 ft, Lot 92 and Lot 94 Fairmount Addition. Generally located North of 15th Street and east of Holyoke.

BACKGROUND: The applicant requests a Conditional Use to allow an accessory apartment on a 0.22-acre platted lot zoned "TF-3" Two-family, located east of N Holyoke (1602 N Holyoke). The application area is developed with a single-family residence and detached garage. The applicant proposes renovating an existing second story for an accessory apartment above an existing detached garage. The second story was originally built as an accessory apartment, but has not been in use in several years. Therefore, the applicant has requested a Conditional Use for an accessory apartment.

The character of the surrounding area is residential. All properties surrounding the site are zoned TF-3 and are developed with a mixture of single-family residences and duplexes. The site is within the Environs of a historic structure; therefore this request will go before the Historic Preservation Board for a recommendation. The applicant submitted the attached site plan illustrating the location of the accessory apartment behind the primary dwelling.

An accessory apartment is defined as a dwelling unit that may be wholly within or detached from a principal single-family dwelling unit. A dwelling unit includes provisions for sleeping, cooking, eating and sanitation. A Conditional Use is required to permit an accessory apartment in the "TF-3" Two-family zoning district. Section III-D.6.a. of the Unified Zoning Code (UZC) has the following requirements for an accessory apartment:

- (1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (2) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
- (3) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and
- (4) Water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

CASE HISTORY: The property was platted as Lots 90 except the north 10 feet, and all of lots 92 and 94, within the Fairmount Addition in 1887.

ADJACENT ZONING AND LAND USE:

NORTH: "TF-3" Single-family residences
SOUTH: "TF-3" Single-family residences, duplexes
EAST: "TF-3" Single-family residences, duplexes
WEST: "TF-3" Single-family residences, duplexes

PUBLIC SERVICES: The subject property has access to N Holyoke, a paved residential street with a 60-foot right-of-way. The subject property is connected to public water and sewer. No impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing types found in the municipality. The policies of the Unified Zoning Code (UZY) allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up. As recommended for approval, the subject property conforms with adopted policies.

RECOMMENDATION: The application area is zoned TF-3, as is the surrounding residential neighborhood. The application area could be redeveloped with two residential units as a duplex, and several duplexes exist within a one-block radius. The supplementary conditions of the UZY, along with building code requirements should ensure that the proposed accessory apartment is compatible with the surrounding residential neighborhood. Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED, subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan.
4. Construction of improvements shall be completed within one year of approval of the Conditional Use.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is residential. All properties surrounding the subject property are zoned "TF-3" Two-family and are developed with single-family residences and duplexes. The proposed accessory apartment is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used for a single-family residence. Accessory apartments are allowed as a "Conditional Use" in TF-3 provided the applicant and the site meet the specified criteria. The applicant and the site meet the criteria so long as the accessory apartment remains subordinate in size and remains as a single hook-up for water and sewer services.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The second floor above the garage has existed for some time, so there is no physical change within the neighborhood. The existing driveway will provide adequate off street parking for the primary dwelling and the accessory apartment.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development, which includes the proposed single-family residence and accessory apartment. The Unified Zoning Code makes specific provision for accessory apartments in "TF-3". This application as recommended for approval complies with all the provisions outlined in the UZY for accessory apartments.
5. Impact of the proposed development on community facilities: The request should have a minimal impact on community facilities.

BISHOP DAB report on item #5

JESS MCNEELY Planning staff. The DAB hearing was deferred, it will be heard by DAB 1 next Monday night.

MOTION: To approve, per staff comments.

ALDRICH moved, **ANDERSON** seconded the motion, and it carried (11-0).

6. **ZON2006-25 (Associated with DP299 CUP2006-24)** - Wilfred A. Pearce Trust, Pearce/Schnitzler Farms and R & R Realty LLC (James Stockton) / Baughman Company, P.A. Request The creation of Northgate Commercial Park Community Unit Plan (CUP) and zone change from "SF-20" Single-family Residential and "SF-5" Single-family Residential to "LC" Limited Commercial on property described as;

All of Lot 1, Block A, Maize State Bank Addition to Sedgwick County, Kansas, together with that part of the Southeast Quarter of Section 13, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the intersection of the Southerly extension of the West line of said Lot 1 with the South line of said Southeast Quarter; thence North 89 degrees 09 minutes 05 seconds West along the South line of said Southeast Quarter, 2272.21 feet to the Southwest corner of said Southeast Quarter; thence North 00 degrees 10 minutes 43 seconds East along the West line of said Southeast Quarter, 1295.00 feet; thence South 89 degrees 48 minutes 20 seconds East, 1747.30 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the East line of said Southeast Quarter, 139.00 feet to a point 1454.00 feet North of the South line of said Southeast Quarter as measured parallel with the East line of said Southeast Quarter; thence South 89 degrees 09 minutes 05 seconds East parallel with the South line of said Southeast Quarter, 895.69 feet to a point on the East line of said Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds East along the East line of said Northeast Quarter, 1079.00 feet to the intersection with the Easterly extension of the North line of Lot 1, Block A, in said Maize State Bank Addition; thence Westerly along said extended North line, 375.00 feet to the Northwest corner of said Lot 1; thence Southerly along the West line of said Lot 1, and as extended South, 375.00 feet to the point of beginning, all being subject to road rights-of-way of record. Generally located Northwest corner of 53rd Street North and Meridian

BACKGROUND: The applicant proposes to create a commercial Community Unit Plan (CUP) containing approximately 79.60 net acres located north and west of the intersection of Meridian and 53rd Street North. As part of the application, a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on approximately 77.4 acres is also requested. A 2.2-acre tract located nearest the intersection is already zoned "LC" and was platted in 1983 as the Maize State Bank Addition.

The site includes 27 acres that was previously denied a similar application by the City Council in 2005. The "Unified Zoning Code" prohibits the re-filing of a similar application within one year unless there has been some change in the code, change in the application area or if the application is significantly different from the original request. The Metropolitan Area Planning Commission (MAPC) reviewed the current application, and determined that this request is significantly different from the previous request.

The proposed CUP would allow most uses permitted by-right in the "LC" district. Parcels 1, 2 and 3 contain 25.88 acres. Proposed prohibited uses for Parcels 1, 2 and 3 are: night club in the city, sexually oriented business, correctional placement residences, safety service, pawn shop, agricultural sales and service, commercial wireless communication facility, theatre and tavern and drinking establishment. Parcel 1 is 23.04 acres in size while Parcels 2 and 3 are 1.42 acres apiece. These three parcels would allow a total of 338,151 square feet of maximum gross floor area. Specific signage is proposed for these three parcels: Parcel 1 - Three ground signs are permitted, two of which are monument style, up to 30 feet in height and up to 148.33 square feet each. A TLE sign is also permitted, not exceeding 20 feet in height and 32 square feet in size. Building signage of up to 666.24 square feet is proposed. Parcel 2 and 3 signage is not to exceed 20 feet in height and 150 square feet in area, subject to the City's sign code. All ground signage is to be spaced 150 feet apart. Three access points from Meridian and one from 53rd Street are proposed to Parcel 1. Parcels 2 and 3 would each have one access point from 53rd Street.

Proposed prohibited uses for Parcels 4-15 include: adult entertainment establishments, sexually oriented business, group residence, correctional placement residence, asphalt/concrete plants, safety services, pawn shop, agricultural sales and service, commercial wireless communication facility or theater. Parcel size ranges from 39.67 acres to .86 acre. These 12 parcels would allow a total of 834,459 square feet of maximum gross floor area. It is proposed that signage on these parcels is to be regulated by the sign code except that: freestanding signs shall be monument type, maximum height of 20 feet and up to 150 square-feet in area, except that Parcel 12 signage may have a height up to 30 feet. Arterial street signage is to be spaced 150 feet apart. Access to Parcels 4 - 11 from 53rd Street is a series of four joint access points with two more openings with a connection to Parcel 12. Access to Parcels 13 -15 is a joint entrance located between Parcels 14 and 15 off of Meridian. Parcel 13 does not have frontage on Meridian.

Setbacks of 35 feet are shown around the exterior perimeter of all parcels. Some interior setbacks are set at 15 feet. Building height is not to exceed 45 feet but will comply with compatibility setback requirements, where applicable. Cross lot circulation between parcels is proposed when the uses are office, retail or commercial in nature. All buildings are to share architectural character. Exterior lighting is to be directed downward. All parcels are to share similar lighting elements - fixtures, pole types. Within 100 feet of the east, west and north boundary line of Parcels 1-3 pole heights shall not exceed 25 feet, otherwise lighting standards may be up to 42 feet in height. For Parcels 4 - 15 lighting standard height is limited to 24 feet.

The CUP calls for either a six-foot screening wall along the north and west property line of Parcels 4 - 15 as required by the code. A six-foot masonry wall along the north line of Parcels 12, 13 and 15 and the west line of Parcels 11, 12 and 13 will be required at the time building permits are requested for each parcel. An eight-foot wall is proposed for the northwest corner of Parcel 1 where it abuts residential zoning. The garden center area is to be screened from Meridian with four to eight-foot knee walls, metal wire

panels and ornamental screening and landscaping. The compactors, bale and pallet storage areas on Parcel 1 will also be screened by eight-foot masonry wall

Parcels 1, 2 and 3 and Reserve A have been annexed into the City of Wichita. The remainder of the application area is in Sedgwick County. Both governing bodies will need to take action on the areas appropriate for their jurisdictions if the entire site has not been annexed prior to governing body consideration.

To the north and west land is zoned "SF-20" Single-family Residential, however a residential plat, Northgate Addition is proposed immediately north of the application area, and has been approved by the Subdivision Committee with annexation expected to be completed in June. With annexation that tract will be zoned "SF-5" Single-family Residential. The northeast and southeast corners of the Meridian and 53rd Street North intersection are zoned "LC." A convenience store, self-storage units and a car wash either exist or are planned on the northeast corner. Further north and east are single-family residences zoned "GO" General Office and SF-5" Single-family Residential. The southwest corner of the Meridian and 53rd Street intersection is zoned "SF-20" but is approved for "LC" uses subject to the Johnson Commercial CUP (ZON2005-00042/CUP2005-00046). To the west is an existing large lot residential development.

CASE HISTORY: A request to establish CUP2005-49, DP-288, the Meridian Valley CUP and ZON2005-46, "SF-20" to "LC," were denied by the City Council on December 13, 2005. DP-288 was to have permitted a 27-acre commercial CUP with three parcels. The proposed CUP would have allowed most uses permitted by-right in the "LC" district. A Wal-Mart was expected to be the anchor tenant in the proposed development. Parcels 1, 2 and 3 and Reserve A were annexed by the City of Wichita on November 15, 2005.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-20" Single-family Residential; agricultural, but proposed for residential
SOUTH: "LC" Limited Commercial subject to a CUP; agricultural
EAST: "LC" Limited Commercial; convenience store, self-storage warehouse
WEST: "SF-20" Single-family Residential; residences

PUBLIC SERVICES: Meridian is a major county arterial connecting Valley Center to Wichita. Currently it is a four-lane curb and gutter street (75-foot of right-of-way at the intersection tapering to 60 feet) with arterial sidewalk along the east side. Guarantees for signalization at 54th and Meridian, southbound right-turn lane and a fifth lane from 54th to 53rd to allow left-turns will be required at the time of platting. 53rd Street North also is a major arterial. The road is widened at the intersection (75 feet) then tapers to two lanes with shoulders (45 feet). Guarantees for moving the existing signal to accommodate street widening at the 53rd and Meridian intersection will be required. Additional right-of-way to meet the 60-foot half-street standard will be required. Guarantees will be required for future signalization at major openings on 53rd Street when warrants are met and provide a fifth lane from driveway opening number three to Meridian. At the intersection of 53rd and Meridian provide dual left-turn lanes on the west and south legs, and provide separate right-turn lanes on all approaches.

No cross-lot access is provided between Parcels 1, 2 and 3 and any adjacent property. It is recommended that cross lot circulation be provided between Parcels 1-3 and 4-12. Existing 24 hour traffic volume on 53rd Street is 2,637 eastbound, west of Meridian, and 3,081 westbound, east of Meridian. Existing 24-hour traffic volume on Meridian is 5,168 south bound, south of 53rd, and 3,911 southbound, north of 53rd Street. Parcels 1, 2 and 3 are projected by the applicant's traffic study to generate 16,335 average weekday trips. Parcels 4-12 are projected to generate 23,348 average weekday trips. Parcels 13-15 are projected to generate 2,031 average weekday trips.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this area as appropriate for "urban development mix," and is located within the "Wichita 2030 urban growth area." Urban development mix is seen as primarily being a mix of urban residential uses but with some other local commercial and institutional uses. It also stated, "In certain areas, especially those with proximity to the future Northwest Bypass, there is the possibility that future uses may include Regional Commercial and Employment/Industry Center" uses. This could be viewed as one of those areas since it is the crossroad between a major county arterial (Meridian) connecting Wichita with Valley Center and a significant county arterial (53rd Street North) connecting Park City and I-135 to Maize and K-96 Highway.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses," with Strategy III.B.1 seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide," and Strategy III.B.2 seeks to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials and combined ingress/egress locations. Commercial Locational Guideline #3 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: The request exceeds the expectation of the intensity of development on the May 2005 amendments to the Comprehensive Plan. However, the Comprehensive Plan indicates that certain sites with the "urban development mix" classification may be suited to regional commercial development. There is an existing residential development to the west of the proposed site, and a proposed residential subdivision to the north, however Arkansas River drainage will influence the extent of additional development. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and subject to the following conditions:

1. Approve the zone change (ZOC2006-00025), subject to platting the entire property within one year.
2. Approve the Community Unit Plan (DP-288), subject to the following conditions:
 - a. Guarantee signalization at the 54th Street and Meridian intersection.
 - b. Guarantee a southbound right-turn lane and a fifth lane on Meridian from 54th to 53rd to allow left-turns.
 - c. Guarantee the relocation of the existing signal to accommodate street improvements at the 53rd and Meridian intersection.
 - d. Dedicate additional right-of-way along 53rd Street sufficient to meet the 60-foot half-street standard.

- e. Guarantee future signalization at major openings on 53rd Street when warrants are met.
- f. Guarantee a fifth lane along 53rd Street from driveway opening number three east to Meridian.
- g. Guarantee dual left-turn lanes on the west and south legs of the intersection of 53rd and Meridian, and provide separate right-turn lanes on all approaches.
- h. Provide cross lot circulation between all abutting parcels except Parcels 1, 13 and 14, and connect individual parcels to internal circulation drives.
- i. The site shall be developed in substantial conformance to the approved community unit plan's site plan, general provisions and individual parcel standards.
- j. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
- k. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- l. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds. Failure to complete the plat within one year after approval by the governing body will result in the case being denied and closed, unless a platting extension has been granted.
- m. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-299) includes special conditions for development on this property.
- n. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- o. Delete reference to "group homes" in general provisions for lots 4-15, item 18, and add the word "plant" after "asphalt/concrete". On item 13 A. the reference to "south" should be "north."

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land to the north is undeveloped, but a residential plat is proposed. Land to the east is developed with a mix of commercial and residential uses. Property to the south has been approved for commercial and residential uses. An existing older large lot residential area exists to the west. This area is in transition with tracts having been developed with self storage warehouse, convenience store, older residential lots and vacant land that have been approved for residential or commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The proposed CUP is located along two arterial roads where commercial development would be anticipated, although not necessarily to the scale proposed by this development. The property could be rezoned to a lesser extent and still provide significant economic possibilities.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will introduce the likelihood of commercial use on a scale not initially contemplated which will generate significant increases in traffic and demand for sewer and water service. However, the development standards offered by the applicant and code required screening, setbacks landscaping and associated improvement guarantees will ameliorate anticipated negative impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will increase shopping and employment opportunities in a area that has had limited retail outlets and employment possibilities. Denial will presumably cause a loss of economic opportunity for the developer.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed CUP is in general conformance with adopted commercial policies, objectives and strategies and land use location guidelines for minimizing detrimental impacts, as outlined above.
6. Impact of the proposed development on community facilities: Roadways abutting the site will experience increased traffic volumes. Demand for sewer and water services will also increase. However, the proposed improvements and guarantees for improvements will address those service needs. Drainage improvements and any additional community facility needs will be determined at the time of platting.

DALE MILLER Planning staff presented the staff report.

ALDRICH notified this body that he had received electronic communication on this item, however it would not affect his vote one way or the other.

SHERMAN, DUNLAP, and BISHOP also received notification and indicated as such.

DUNLAP wanted to know if the intersection improvements create an encroachment on the southwest, southeast, and northeast to improve that intersection.

MILLER advised that the property to the south is under a Community Unit Plan that was recently approved; when they go through platting if there was additional right-of-way needed, it would be obtained with that plat. The other two tracts are developed as is and we would not be able to get right-of way off of the eastside of 53rd Street because they are not asking for anything at this point.

ALDRICH had a concern with standing water in "Reserve A" and asked Mr. Miller in the event that occurs, has anything been addressed to elevate the mosquito problem.

MILLER will allow the applicant to address that question, nothing was put into the staff report to address the mosquito problem.

JAY RUSSELL introduced Kevin Mullen and Bill Pierce, owner(s) with Ritchie & Associates. Mr. Russell addressed the growth and what was driving the need and desire for this Community Unit Plan. They have grown and are running out of ground in all directions. As developers, instead of trying to push to the west we have the opportunity to come back into the north areas, closer to the core areas. We can utilize the vacant areas to grow the city. The main user of this location is Wal-Mart. Their decision to build has to do with the capacity of the other stores, 29th and Rock Road and 21st and Maize Road. The service area outlined on the map provided from 235 up to K-96 and over to the west, and to the east approximately to Hillside and Oliver. By putting a store in this location will drastically reduce the amount of traffic that goes to the other two stores.

Further after the original vote at the City Council, we met with the Council representative of that District and were requested to meet with all the protesters, those who signed protest petitions on the original application. There were six. All six lived across the street at "54th Street North" in that general area. We discussed the option of purchasing their houses, and talked about the value of their property and what could happen with their houses after the Wal-Mart goes in and the Shopping Center has been built. There was only one out of the six who chose to take the offer. The offer has not been consummated but we are close. We discussed the article in paper of the store at Greenwich and Kellogg and what happened to the growth in that area.

To addressing the traffic issue from the DAB meeting, we are aware that traffic is going to occur; the City and the County have made big investments in the sewer upgrade and the street improvements. R & R Realty, LLC is making the investments to purchase the ground, knowing that residence will come, which will generate traffic concerns that must be dealt with. At the DAB meeting, we requested that if DAB would approve the application subject to representative Mr. Bob Schreck meeting with R & R Realty, LLC to go over the concerns and come up with something that would be acceptable. A letter before you is the letter agreed to per Bob's request raised medial(s) in the middle of 53rd Street instead of having the ones that can be driven over, to help control traffic to insure that cars can't cut across those corners. Mr. Schreck was satisfied with the traffic signals proposed. When traffic is warranted R & R Realty will pay for the traffic signal at Keywest and Meridian. This was a positive approach to dealing with the traffic issue. In summary, the growth is coming, the sewers are in place, the infrastructure is in place, the improvements have been done to 53rd and Meridian, we have all agreed to pay for the additional road improvements, the signals, the raised curbs, etc. There is already 25 acres approved to the south of this site for the same type of zoning that we are requesting and it is coming for that reason. This will benefit Wichita and the Valley Center School District with the increased tax value that will occur from this project. These services are needed in the area so that existing and future residences won't have to drive so far to shop. Those in attendance, Kevin Mullen and Bill Pierce, with Ritchie & Associates are available for questioning. The Traffic Engineer who did the study, and Bob Schreck, representative from the DAB and representatives from Wal Mart are also here.

ALDRICH asked about standing water in "Reserve A." He wanted to know if there was a plan to cut down on the possible mosquitoes in the area.

RUSSELL advised that he was not sure what he needed to do to overcome that problem. Typically, fountains are looked at to control the duckweed and or mosquitoes; we are willing to do whatever it takes to keep that under control.

ALDRICH advised that the support of the DAB was based on the concerns that Mr. Schreck had, and was glad to see the issue(s) being resolved.

KURT BACHMAN, 5025 Harborsside Court, managing member of CBB Northlakes, developer of the Moorings properties. The drainage is going to increase water flow onto our land. We agree on the layout. We welcome the development. We think the applicants are top notch, however the drainage issue has not been totally resolved.

DUNLAP asked if there had been prior concerns with coming out of Harbor Isle when it was icy.

BACHMAN was in support of this item, and said yes to Mr. Dunlap's question. There is that concern, we have the same problem at the Moorings, at Keywest. It is a down hill grade. The City does not maintain that area that much; we salt it ourselves but by the end of the day, after the ice has thawed and the temperature drops, it freezes again. Without City maintenance on a City Street all we can do is throw salt out. People still need to use caution.

LINDA ROBILLARD, 1800 W 60th North, north of the development being presented. Ms. Robillard asked the Commission to leave the zoning as is. She is aware that housing has increased; they are not protesting new development or new sewer coming when it pertains to the housing development. What she opposed was the volume of commercial development, and is requesting that the site in question stay as it is currently zoned on that small corner. The Commercial Development should go to areas that are already zoned commercial; where the streets, lighting, traffic flow already exist to prevent deterioration.

MARY KLAASSEN, 2420 W 51ST North, agreed with Ms. Robillard thoughts. Ms. Klaassen is on the corner lot and has difficulty getting out of her driveway. She felt that if commercial development went in it would increase the amount trash she already has to pick up. Ms. Klaassen would like the area to stay residential.

RUSSELL rebuttal; the concept in the drainage plan has been worked out and approved; as far as the technicality of how it works. The part that has not been resolved is the money.

BISHOP stated that we have heard why this area is developing the way it is, helped by a Comprehensive Plan that has little or nothing in it that speaks to growth management. The development called Rio Vista where the developer said they were going to develop 40 or 45 lots that would be along the river over the Equus Beds and would be utilizing Water District water having individual septic tanks in that area. Representatives from the Equus Beds requested us to not let this happen. This body passed it anyway, and forwarded it on to the County at which point the City said we are going to run sewer up there. Development goes in a process where we allow it with much flexibility, which pushed the infrastructure, which pushed more development, and this is how urban sprawl in this community happens. Having said that Ms. Bishop offered a motion to deny the zoning based on that the rezoning in this area has been incremental and ill advised and it is not the proper zoning for this area to the degree that it has been requested. Suitability, the area being at a crossroads would be suitable for some level of commercial development but not to this degree. The detrimental impact, there will be detrimental impact on nearby properties, screening notwithstanding, having to do with noise, traffic, trash, all of the various aspects that go with this intense and commercial development. The finding having to do with the relative

gain, the cost benefit kind of thing in terms of the community; yes there is some additional shopping that may be needed in this area, but it is already zoned for commercial use to something less intensive could provide employment for the area and this intense new development is not needed. The Comprehensive Plan; it is futile to look to the Comprehensive Plan for almost anything because it has been reduced or emasculated. The impact on community facilities; a major item will bring about a demand for public services that is out of proportion to any benefit that we will gain. It will cause unnecessary and inefficient expenditures of public monies and is not needed in this area.

HILLMAN seconded that motion and asked for discussion.

MOTION: Deny the request, based upon the findings presented.

BISHOP moved, **HILLMAN** seconded the motion.

HILLMAN asked what additional expenses would the City incur beyond what would take place with a smaller development.

BISHOP explained that the traffic improvement would be born by the developer; the maintenance will be born by the taxpayers. The drainage is extremely problematic in this area. It is in the drainage basin for the Big and Little Arkansas rivers. At some point in time the public purse will have to in the future solve drainage problems. This development, if it goes forward, looking out 15 or 20 years, we will be looking at empty building. This is extremely ill advised.

SUBSTITUTE MOTION: Approve per staff recommendations and findings, including drainage being met and meeting with County and City engineering requirements.

MARNELL moved, **GISICK** seconded the motion.

SUBSTITUTE MOTION: Approved 10-1. **BISHOP** opposed

The Metropolitan Area Planning Department informally adjourned at 2:38 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)